an amendment, supplying the defect, introduce a new cause of action? The holding in this case answers this question in the negative, and seems to be in harmony with the spirit of both the reformed procedure, which is liberal in the matter of amendments, and the statute of limitations. In the recent case, *M. K. & T. Ry.* v. *Bagley*, — Kan. —, 69 Pac. 189, the court, with strong dissent, takes a contrary position on equivalent facts. It has some support in *Railroad* v. *Campbell*, 170 Ill. 163, 49 N. E. 314, and *Johnston* v. *District of Columbia*, 1 Mackey (D. C.) 427; but the principal case seems to be in accordance with authority in other code states. *Webb* v. *Hicks*, 125 N. C. 201, 34 S. E. 395; *Simpson* v. *Railroad*, 66 Ala. 85; *Ellison* v. *Ga. R. R.*, 87 Ga. 691; *Lustig* v. *Railroad*, 65 Hun, 547; *Railroad* v. *Foster*, 78 Tenn. 351; *Railroad* v. *Cox*, 145 U. S. 593.

LIMITATION OF ACTIONS—BANKRUPTCY.—A schedule accompanying a debtor's petition in bankruptcy, included two claims, barred by the statute of limititations. *Held*, that the debtor, by including the claims in the schedule, waived his right to rely upon the statute of limitations as a defense. *In re Gibson* (1902), — Ind. Ter. —, 69 S. W. Rep. 974.

This doctrine is not supported by authority and is clearly against the modern theory, that statutes of limitations are statutes of repose. It controverts the rule, that a mere acknowledgment of the existence of a debt barred by the statute of limitations is not sufficient to remove the bar. The old cases, *Bryar* v. *Willcocks*, 3 Cow. (N. Y.) 159; *Kohnstamm* v. *Foster*, 28 How. Prac. 273; *Stuart* v. *Foster*, 18 Abb. Prac. 305 and *In re Hertzog*, Fed. Cas. No. 6433, support the doctrine of the principal case but the court cited no authority. A bankrupt asks discharge because he is unable to pay his debts. It would therefore seem in reason, that the very nature of the proceedings rebut, rather than raise, the presumption of such a new promise as will toll the statute. The following cases are pointedly opposed to the principal case: *In re Hardin*, Fed. Cas. No. 6048; *In re Kingsley*, Fed. Cas. No. 7819; *In re Resler*, 95 Fed. Rep. 804, 2 A. B. R. 602; *In re Lipman*, 2 A. B. R. 46; *Hidden* v. *Cozzens*, 2 R. 1. 401, 60 Am. Dec. 93; *Christy* v. *Flemington*, 10 Penn. St. 129, 49 Am. Dec. 590, *Richardson* v. *Thomas*, 79 Mass. 381, 74 Am. Dec. 636.

MASTER AND SERVANT—LIABILITY OF PARTY FOR PROCURING BREACH OF CONTRACT.—A and B were rival dealers engaged in the manufacture and sale of stoves. C was the traveling salesman of A, under contract to give his exclusive services to the sale of A's goods. B with knowledge of the contract between A and C and for the purpose of injuring A's business secretly engaged C to sell B's goods though still traveling for A. C thus took up the sale of B's goods to the damage of A and without A's knowledge or consent. Upon discovering the facts A brings this suit for damages. *Held:* That no action would lie against B. *Brown Hardware Co.* v. *Ind. Stove Works* (1902), —Tex. Civ. App. —, 69 S. W. Rep. 805.

The court held that the old rule, that a party is liable in damages for enticing away another's servant does not extend beyond the strict relation of master and servant in menial service and therefore did not apply to this case; and that it made no difference with what motive defendant acted in enticing away plaintiff's agent. The courts are generally agreed that, where the strict relation of master and servant exists, or where the breach is induced by fraud, force or deception, an action for damages will lie against the party procuring the breach. The cases where all the above elements are absent, and which present the question as does this case are comparatively few, nevertheless the decisions are in conflict. Some would extend the right of action to all contracts of employment: *Lumley* v.

Gye (1853), 2 El & Bl. 216; *Bowen* v. *Hall* (1881), 6 Q. B. Div. 333, 1 Eng. Rul. Cas. 706; *Walker* v. *Cronin* (1871), 107 Mass. 555; *Jones* v. *Stanley*, (1877), 76 N. C. 355. The principle upon which the English cases are based is that the damage sustained by one party plus the malicious intent of the other creates a cause of action; the basis of the Massachusetts and North Carolina cases seems to be, that a legal right founded upon contract and not arising from status, has been invaded. The later American cases are directly to the contrary and are based upon the rule laid down by Judge COOLEY in his work on Torts (2nd ed. p 417): "An action cannot in general be maintained for inducing a third person to break his contract with the plaintiff: the consequence, after all, being only a broken contract for which the party to the contract may have his remedy by suing upon it." This rule is followed in *Chambers* v. *Baldwin* (1891), 91 Ky. 121, 11 L. R. A. 545, 34 Am. St. Rep. 165; *Boyson* v. *Thorn* (1893), 98 Cal. 578, 21 L. R. A. 233; *Raycroft* v. *Tayntor* (1896), 68 Vt. 219, 33 L. R. A. 225, 54 Am. St. Rep. 882.

NATURALIZATION—JAPANESE—IMPEACHING JUDGMENT—ADMISSION OF ATTORNEYS.—The statute of Washington, relating to the admission of attorneys, provides that the applicant shall be a citizen of the United States. A native of Japan applied for admission and offered in evidence the record of a court of competent jurisdiction showing that he had been naturalized under the laws of the United States. The record showed upon its face that he was a native of Japan. The statute of the United States applies only to "aliens being free white persons and to aliens of African nativity and to persons of African descent." *Held*, that under this statute, Japanese cannot be naturalized, that the record was void on its face, and that the applicant was not eligible to admission to the bar. *In re Takuji Yamashita* (1902),—Wash.—, 70 Pac. Rep. 482.

The word "white" as used in this statute, said the court, includes only members of the Caucasian race, and natives of Japan have never been included in that race. "The courts, federal and state, have uniformly determined that Chinese are not eligible to naturalization, because not white persons. In 1880, it was determined that a native of British Columbia, half Indian and half white, could not be naturalized. *In re Camille*, 6 Fed. 256. In *In re Po*, 28 N. Y. Supp. 383, a native of British Burmah was denied admission. In *In re Kanaka Nian*, a Hawaiian was denied naturalization. 6 Utah, 659, 21 Pac. 993, 4 L. R. A. 726. In *In re Saito*, 62 Fed. 126, the federal circuit court adjudged that a native of Japan was of the Mongolian race, and therefore not eligible to naturalization." The case of *In re Rodriguez*, 81 Fed. Rep. 337, wherein a native of Mexico was naturalized was held to be distinguishable.

PARENT AND CHILD—DELEGATION OF PARENT'S AUTHORITY—LIABILITY FOR CORPORAL PUNISHMENT.—Action was brought by a child eight years old to recover of the defendant, who was his aunt, damages for corporal punishment administered by her. The mother, who was by statute equally entitled to the care and custody of the child with the father, had delegated her authority to the aunt. *Held*, that the mother had authority to delegate the power to administer moderate corporal punishment. *Rowe* v. *Rugg* (1902), —Iowa —, 91 N. W. Rep. 903.

As this case was decided on the merits, the jury having found the punishment to have been moderate, no inquiry was made as to the right of a child to bring a civil action for damages against its parent. From the decisions in *Faulk* v. *Faulk* (1859), 23 Tex. 653, and *Bird* v. *Black* (1850), 5 La. Ann 189, it would seem that such an action might be brought, although in both